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8 Therese S. Harris

9  
10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12

13 **THERESE S. HARRIS**, an individual,  
14 Plaintiff,  
15 v.  
16 **PAYMENT RESOLUTION SERVICES,**  
17 **LLC,**  
18 Defendant.

19 **CASE NO:**  
20 **COMPLAINT FOR DAMAGES**  
21 **DEMAND FOR A JURY TRIAL**

22 Plaintiff THERESE S. HARRIS ("Plaintiff"), by and through her attorneys, Hallie  
23 Zimmerman, as and for its Complaint against the Defendant PAYMENT RESOLUTION  
24 SERVICES, LLC (hereinafter referred to as Defendant(s)), respectfully sets forth,  
25 complains and alleges, upon information and belief, the following:

26 **INTRODUCTION**

27 1. Plaintiff brings this action on her own behalf for damages, statutory  
28 damages, attorney fees and costs brought by an individual consumer for Defendant's  
violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred  
to as the Fair Debt Collections Practices Act (hereinafter "FDCPA") and Rosenthal Fair  
Debt Collection Practices Act, California Civil Code § 1788 et seq. (hereinafter  
"RFDCPA" which prohibit debt collectors from engaging in abusive, deceptive and  
unfair practices.

a. There is abundant evidence of the use of abusive, deceptive, and debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy.

c. Means other than misrepresentation or other abusive debt practices are available for the effective collection of debts.

d. Abusive debt collection practices are carried on to a substantial interstate commerce and through means and instrumentalities of such interstate commerce. Even where abusive debt collection practices are purely intrastate in character, they nevertheless directly affect interstate commerce.

e. It is the purpose of this title to eliminate abusive debt collection debt collectors, to insure that those debt collectors who refrain from using debt collection practices are not competitively disadvantaged, and to promote prompt action to protect consumers against debt collection abuses.

3. The California Legislature has found that: The banking and credit system  
rators of credit to consumers are dependent upon the collection of just and  
debts. Unfair or deceptive collection practices undermine the public confidence  
is essential to the continued functioning of the banking and credit system and  
extensions of credit to consumers.

## PARTIES

4. Plaintiff THERESE S. HARRIS (hereinafter "Plaintiff"), is a natural person residing in San Luis Obispo County, State of California. Plaintiff is a "consumer" within the meaning of 15 U.S.C. § 1692a(3) and a "debtor" within the meaning of Cal. Civil Code §1788.2(h).



1           10. Plaintiff is informed and believes, and thereon alleges, that sometime  
2 thereafter on date unknown to Plaintiff, the debt was consigned, placed or otherwise  
3 transferred to Defendants for collection from Plaintiff. Upon information and belief,  
4 Defendant, on behalf of a third-party, began efforts to collect an alleged consumer debt  
5 from the Plaintiff.

6           11. Upon information and belief, and better known to the Defendant, the  
7 Defendant began its collection efforts and campaign of communications with the  
8 Plaintiff on February 18, 2014, by sending a letter titled "Refund Request" to the  
9 Plaintiff's home address.

10           12. On March 14, 2014, Plaintiff faxed PRS a letter disputing the debt and  
11 requesting validation. Plaintiff's letter was faxed on March 14, 2014 and PRS' records  
12 indicate receipt on March 17, 2014.

13           13. On March 20, 2014, PRS mailed Plaintiff another notice stating  
14 "IMPORTANT MATTER" and that Plaintiff still owed \$1,280.00. At no time did Plaintiff  
15 receive a verification of the debt.

16                           **FIRST CAUSE OF ACTION**

17                           ***(Violations of the FDCPA)***

18           14. Plaintiff repeats, re-alleges, and incorporates by reference all of the  
19 paragraphs above as though fully stated herein.

20           15. Under 15 USC §1692g(b), if the consumer notifies the debt collector in  
21 writing within the thirty-day period that the debt, or any portion thereof, is disputed, or  
22 that the consumer requests the name and address of the original creditor, the debt  
23 collector shall cease collection of the debt, or any disputed portion thereof, until the  
24 debt collector obtains verification of the debt or any copy of a judgment, or the name  
25 and address of the original creditor, and a copy of such verification or judgment, or  
26 name and address of the original creditor, is mailed to the consumer by the debt  
27 collector.

1           16. The Defendant violated 15 USC §1692g(b) by mailing Plaintiff another  
2 letter dated March 20, 2014, without first verifying the debt to Plaintiff.

3           17. As a result of Defendants' violations, Plaintiff is entitled to recover  
4 statutory damages, actual damages, reasonable attorney's fees, and costs, pursuant to  
5 15 U.S.C. § 1692k, et seq.

6                                   **SECOND CAUSE OF ACTION**

7                                   ***(Violations of the RFDCPA)***

8           18. Plaintiff repeats, re-alleges, and incorporates by reference all of the  
9 paragraphs above as though fully stated herein.

10          19. Plaintiff brings the second claim for relief against Defendant, PRS, only  
11 under the Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), California Civil  
12 Code §§ 1788-1788.33.

13          20. Plaintiff is a "debtor" as that term is defined by the RFDCPA, Cal. Civil  
14 Code § 1788.2(h).

15          21. Defendant, PRS, is a "debt collector" as that term is defined by the  
16 RFDCPA, Cal. Civil Code § 1788.2(c).

17          22. The financial obligation owed by Plaintiff is a "consumer debt" as that  
18 term is defined by the RFDCPA, Cal. Civil Code § 1788.2(f).

19          23. Defendant has violated the RFDCPA. The violations include, but are not  
20 limited to, the following:

21                   a. Compliance with federal provisions, pursuant to Cal. Civil Code §  
22 1788.17.

23          24. PRS'S acts as described above were done willfully and knowingly with  
24 the purpose of coercing Plaintiff to pay the debt, within the meaning of Cal. Civil §  
25 1788.30(b).

26          25. As a result of PRS's violations of the RFDCPA, Plaintiff is entitled to an  
27 award of actual damages in an amount to be determined at trial, pursuant to Cal. Civil  
28 Code § 1788.30(a).

1           26.     As a result of PRS's willful and knowing violations of the RFDCPA,  
2 Plaintiff is entitled to an award of a statutory penalty in an amount not less than one  
3 Hundred dollars (\$100) nor greater than one thousand dollars (\$1,000), pursuant to  
4 Cal. Civil Code § 1788.30(b).

5           27.     As a result of PRS's violations of the RFDCPA, Plaintiff is entitled to an  
6 award of statutory damages in an amount not exceeding \$1,000 pursuant to Cal. Civil  
7 Code § 1788.17.

8           28.     As a result of PRS's violations of the RFDCPA, Plaintiff is entitled to an  
9 award of reasonable attorney's fees and costs pursuant to Cal. Civil Code §§  
10 1788.30(c) and 1788.17.

11           29.     Pursuant to Cal. Civil Code § 1788.32, the remedies provided under the  
12 RFDCPA are intended to be cumulative and in addition to any other procedures, rights  
13 or remedies that the Plaintiff may have under any other provision of law.

14                   **DEMAND FOR TRIAL BY JURY**

15           30.     Plaintiff hereby respectfully requests a trial by jury for all claims and  
16 issues in its Complaint to which it is or may be entitled to a jury trial.

17                   **PRAYER FOR RELIEF**

18           **WHEREFORE**, Plaintiff requests that this court:

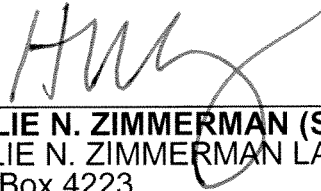
- 19                   a.     Assume jurisdiction in this proceeding;
- 20                   b.     Declare that Defendant violated the Fair Debt Collection Practices  
21                   Act, 15 U.S.C. §§ 1692g(b);
- 22                   c.     Declare that PRS violated the Rosenthal Fair Debt Collection  
23                   Practices Act, Cal. Civil Code §§ 1788.17 and 1788.30;
- 24                   d.     Award Plaintiff actual damages in an amount to be determined at  
25                   trial, pursuant to 15 U.S.C. § 1692k(a)(1) and Cal. Civil Code §  
26                   1788.30(a);
- 27                   e.     Award Plaintiff statutory damages in an amount not exceeding  
28                   \$1,000, pursuant to 15 U.S.C. § 1692d(a)(2)(A);



- 1 f. Award Plaintiff a statutory penalty in an amount not less than \$100  
2 or greater than \$1,000, pursuant to Cal. Civil Code § 1788.30(b);  
3 g. Award Plaintiff statutory damages in an amount not exceeding  
4 \$1,000, pursuant to Cal. Civil Code § 1788.17;  
5 h. Award Plaintiff the costs of this action and reasonable attorney's  
6 fees pursuant to 15 U.S.C. § 1692k(a)(3) and Cal. Civil Code §§  
7 1788.17 and 1788.30(c);  
8 i. Award Plaintiff such other and further relief as may be just and  
9 proper.

10  
11 Dated: March 18, 2015

12  
13 Respectfully submitted,

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